

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTONIO STALLING,

Petitioner,

Case No. 4:16-cv-10517

Honorable Linda V. Parker

v.

S.L. BURT,

Respondent.

_____ /

**ORDER DENYING PETITIONER'S MOTIONS FOR
APPOINTMENT OF COUNSEL (ECF NOS. 11, 16, and 18)**

On July 12, 2017, the Court issued an opinion and order denying Petitioner's application for a writ of habeas corpus filed under 28 U.S.C. § 2254. The Court also granted Petitioner a certificate of appealability with respect to his first and fifth claims.

Petitioner filed a notice of appeal on July 26, 2017, and his case currently is pending in the United States Court of Appeals for the Sixth Circuit. *Stalling v. Burt*, No. 17-1867 (6th Cir. filed July 27, 2017.) Before the Court is Petitioner's three motions for appointment of counsel, in which he seeks legal representation to assist him with his appeal.

Once a notice of appeal has been filed, this Court loses jurisdiction over the case. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58; *Workman v. Tate*, 958 F.2d 164, 167 (6th Cir.1992). Petitioner's notice of appeal divests this Court of jurisdiction to consider his motions for the appointment of appellate counsel. *Wagner v. Smith*, No. 06-10514, 2007 WL 3124659, at *2 (E.D. Mich. Oct.25, 2007) (citing *Glick v. U.S. Civil Comm'n*, 567 F. Supp. 1483, 1490 (N.D. Ill. 1983) and *Brinton v. Gaffney*, 560 F. Supp. 28, 29-30 (E.D. Pa. 1983)); *Grizzell v. Tennessee*, 601 F. Supp. 230, 232 (M.D. Tenn. 1984)). Therefore, only the United States Court of Appeals for the Sixth Circuit has the authority to appoint counsel to represent Petitioner on appeal. Petitioner, in fact, has filed a motion for appointment of counsel in the Sixth Circuit and that motion is pending.

Accordingly,

IT IS ORDERED that Petitioner's motions for appointment of counsel (ECF Nos. 11, 16, and 18) are **DENIED**.

Dated: January 11, 2018

s/Linda V. Parker
U.S. District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 11, 2018, by electronic and/or ordinary mail.

**s/Julie Owens acting in the absence of Richard Loury
Case Manager, (313) 234-5135**